

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Yoshihiro Kimura et al.

Application No.: 10/779,749

Confirmation No.: 2045

Filed: February 18, 2004

Art Unit: 2881

For: METHOD OF DETERMINING THE CONCAVITY AND CONVEXITY ON SAMPLE SURFACE, AND CHARGED PARTICLE BEAM APPARATUS Examiner: P. A. Johnston

---

**AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION (RCE)**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated December 18, 2008, finally rejecting claims 1-11, and the Advisory Action dated June 29, 2009 and further to the Notice of Appeal filed June 17, 2009, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 5 of this paper.